

ORDINANCE NO. 91-1

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, TO BE KNOWN AS THE ENVIRONMENTALLY SENSITIVE LANDS BOND ISSUE ORDINANCE; PROVIDING A SHORT TITLE AND APPLICABILITY; PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS WITH MATURITY NOT EXCEEDING TWENTY YEARS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED ONE HUNDRED MILLION DOLLARS FOR THE PURPOSE OF ACQUIRING, PRESERVING AND PROTECTING ENVIRONMENTALLY SENSITIVE LANDS IN PALM BEACH COUNTY SUBJECT TO APPROVAL AT A REFERENDUM HEREIN AUTHORIZED; PROVIDING THAT GENERAL OBLIGATION BONDS PAYABLE FROM AD VALOREM TAXES; PROVIDING FOR THE EXPENDITURE OF THE BOND PROCEEDS; PROVIDING FOR A REFERENDUM ON MARCH 12, 1991 AND A BALLOT QUESTION TO BE SUBMITTED TO THE ELECTORATE; PROVIDING FOR NOTICE, SEVERABILITY AND AN EFFECTIVE DATE; AND PROVIDING FOR THE REPEAL OF ORDINANCE NO. 90-35.

WHEREAS, Palm Beach County has demonstrated its commitment to the preservation and potential acquisition of environmentally sensitive lands within Palm Beach County by enacting the Environmentally Sensitive Lands Ordinance No. 89-23 and creating the Environmentally Sensitive Lands Acquisition Advisory Committee; and

WHEREAS, Palm Beach County intends to develop mechanisms to facilitate the protection, acquisition, and long-term maintenance of environmentally sensitive lands to preserve biological diversity, to protect endangered, threatened, and rare ecosystems and species, and to provide recreational and educational opportunities for present and future residents; and

WHEREAS, in order to develop such a program, it is necessary to provide a source of funds sufficient to make such acquisitions; and

WHEREAS, since the number of sites which are worthy of preservation and their anticipated costs are in excess of any other available funding source, it is necessary that such funds be made available through the issuance of bonds for such purposes; and

WHEREAS, the Florida state legislature recently enacted

1 legislation known as Preservation 2000 for the purchase and
2 preservation of environmentally sensitive lands throughout the
3 state; and

4 WHEREAS, the Preservation 2000 legislation created the
5 Preservation 2000 Trust Fund authorizing the issuance of bonds in
6 an amount not to exceed three billion dollars (\$3,000,000,000),
7 with three hundred million dollars (\$300,000,000) in bonds being
8 approved for fiscal year 1990-91; and

9 WHEREAS, certain of the Preservation 2000 Trust Funds are to
10 be distributed for acquisition of environmentally sensitive lands
11 to local governments based upon a dollar for dollar match of the
12 state funds by the local government; and

13 WHEREAS, in order to become eligible for such funds in the
14 first year of the program, the County must apply by January 31,
15 1991, and must demonstrate a commitment to matching funds; and

16 WHEREAS, the County wishes to issue, if approved by a majority
17 vote of the qualified electors of Palm Beach County voting in a
18 March 12, 1991 referendum, general obligation bonds with a maturity
19 not exceeding twenty (20) years in an aggregate principal amount
20 not to exceed one hundred million dollars (\$100,000,000.00) that
21 would be retired by the levy of ad valorem taxes for the purpose of
22 acquiring environmentally sensitive lands in Palm Beach County and
23 enhancing eligibility for matching state funds.

24 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
25 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA:

26 Section 1. Short Title; Applicability

27 1.01 This Ordinance shall be known as the "Palm Beach County
28 Environmentally Sensitive Lands Bond Issue Ordinance".

29 1.02 The recitations set forth in the "WHEREAS" paragraphs
30 above are incorporated by reference herein as findings of fact upon
31 which this Ordinance is based.

32 1.03 All provisions of this Ordinance shall be effective
33 within the unincorporated and incorporated areas of Palm Beach

County, Florida.

Section 2. Authority

This Ordinance is adopted under the authority of Chapter 125, Florida Statutes.

Section 3. Purpose

The purpose of this Ordinance is to require placement before the voters of Palm Beach County of a general obligation bond issue in the form of a referendum to provide funding for the purchase of environmentally sensitive lands in Palm Beach County.

Section 4. Authorization of Bonds

Subject to the approval of a majority of those qualified electors of Palm Beach County voting in the referendum provided for in Section 6, general obligation bonds of Palm Beach County are authorized to be issued in one or more series in an aggregate principal amount not to exceed one hundred million dollars (\$100,000,000.00) to acquire, preserve and protect environmentally sensitive lands in Palm Beach County. The general obligation bonds shall have a maturity not exceeding twenty (20) years and shall bear interest at such rate or rates not exceeding the maximum rate permitted by law at the time of the sale of the bonds, the actual rate to be determined upon the sale of the bonds to the bidder whose bid produces the lowest net interest cost to the County.

Section 5. Expenditure of Bond Proceeds

The proceeds received from the sale of such general obligation bonds shall be expended to acquire, preserve and protect environmentally sensitive lands in Palm Beach County. Properties purchased through this Ordinance may be used for recreational purposes provided that such uses will not disturb or degrade the environmental quality of the site.

Section 6. Voter Referendum

Pursuant to the applicable provisions of Chapters 100 and 125, Florida Statutes, a referendum of the qualified electors of Palm Beach County is hereby called to be held on March 12, 1991, at

which time there shall be submitted to the electors of Palm Beach County, Florida, the following question:

ISSUANCE OF BONDS FOR
PURCHASE OF ENVIRONMENTALLY SENSITIVE LANDS

"Shall Palm Beach County, in order to acquire, preserve and maintain environmentally sensitive lands in Palm Beach County and protect wildlife and endangered species on such lands, issue general obligation bonds not exceeding \$100 million in principal amount with a maturity not exceeding twenty (20) years from the date of issuance and bearing interest at a rate not exceeding the legal rate payable by ad valorem taxes?"

_____ Yes - For Bonds

_____ No - Against Bonds

Section 7. Notice

The Clerk of the Board of County Commissioners shall publish notice of the referendum in the manner required by Section 100.342, Florida Statutes.

Section 8. Severability

If any section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held by a court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

Section 9. Effective Date

This Ordinance shall become law upon receipt of acknowledgment from the Florida Department of State. If a majority of those voting on the question stated in Section 6 do not approve, this ordinance shall be deemed repealed effective March 31, 1991.

Section 10. Repeal of Ordinance No. 90-35

This Ordinance expressly repeals and supersedes Palm Beach County Ordinance No. 90-35.

1 APPROVED AND ADOPTED by the Board of County Commissioners of
2 Palm Beach County on the 8th day of January,
3 1991.

4 ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF PALM BEACH COUNTY, FLORIDA

6 JOHN B. DUNKLE, Clerk

7 By: Linda C. Hickman
8 Deputy Clerk

By: Kare M. Mans
Chair

9 APPROVED AS TO FORM
10 AND LEGAL SUFFICIENCY

11 Wick Juhl
12 County Attorney

13 Acknowledgement by the Department of State of the State of
14 Florida, on this, the 17th day of January, 1991.
15 EFFECTIVE DATE: Acknowledgement from the Department of State
16 received on the 22nd day of January, 1991, at 1:06
17 P.M., and filed in the office of the Clerk for the Board of County
18 Commissioners of Palm Beach County, Florida.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, JOHN B. DUNKLE, Clerk of the
Board of County Commissioners certify this to
be a true and correct copy of the original filed in
my office on 1/22/91
DATED at West Palm Beach, FL on 1/22/91
JOHN B. DUNKLE, Clerk
By: [Signature] D.C.
Deputy Clerk